

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

UNITED STATES OF AMERICA                  )  
  )  
v.    )  
  )  
VICTOR J. STITT, II                         )

  )  
  Case No. 4:12-cr-19  
  )  
  )  
  Judge Mattice

**ORDER**

Before the Court is Defendant's Objections to Report and Recommendations Submitted by Magistrate Judge (Doc. No. 76), filed by Defendant Victor J. Stitt, II in which Mr. Stitt objects to the Report and Recommendation of Magistrate Judge Susan K. Lee (Doc. 75) ("R&R").

In his instant Objections, Mr. Stitt takes issue with Magistrate Judge Lee's conclusion that at the time Officer Lee Nettles of the Coffee County Sheriff's Department observed the Defendant in the back yard of his mother's residence, Officer Nettles was within the boundaries of a publicly accessible driveway, and had not intruded into the "curtilage" of the residence. Defendant Stitt argues, instead, that the proof of record demonstrates that, at the time he observed Mr. Stitt, Officer Nettles had, in fact, intruded beyond the boundaries of the driveway into the curtilage of the residence without the benefit of a search warrant. Based on this, Mr. Stitt argues that Officer Nettles violated the Fourth Amendment, and that the fruits of any search which resulted from the warrantless intrusion must be suppressed.

The Court has conducted a *de novo* review of the record before it, specifically including those portions of the Magistrate Judge's R & R to which Defendant Stitt has

objected as well as all photographic exhibits introduced at the evidentiary hearing on the instant motion. After careful consideration, the Court **ACCEPTS** Magistrate Judge Lee's recommendations based upon the rationale articulated in the well-reasoned Report and Recommendation.

Accordingly, the Defendant's Objections are **OVERRULED**. Pursuant to 28 U.S.C. §636(b), the Court **ACCEPTS** Magistrate Judge Lee's Findings of Fact and Conclusions of Law. The Defendant's Motion to Suppress (Doc. 66) is **DENIED** for the reasons set forth in the Magistrate Judge's Report and Recommendation (Doc. 75) which is hereby **ADOPTED IN ITS ENTIRETY**.

SO ORDERED this 2<sup>nd</sup> day of January, 2014.

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*/s/Harry S. Mattice, Jr.*  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE